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## Facsimile

DATE: December 23, 2005

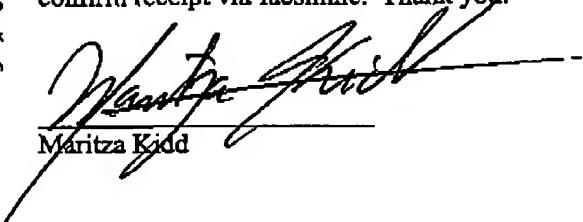
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TO:	M/S: Amendment Commissioner for Patents	(571)273-8300	
FROM:	Maritza D. Kidd maritza.kidd@bingham.com	(650) 849-4800	(650) 849-4481
PAGES:	(INCLUDING THIS COVER PAGE): 7		
RE:	Amendment and Response - Appl S/N: 10/008,379		

MESSAGE:  
 PLEASE DELIVER TO EXAMINER Fineman, Lee A.

I hereby certify that an Amendment and Response (5 pages); and transmittal (1 page) are being submitted to the United States Patent and Trademark Office on the date above. Please confirm receipt via facsimile. Thank you.



Maritza Kidd

For transmission problems, please call (650) 849-4825

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PA/52175264.1

Docket No. 2024738-7030240000  
CYM-037 (11.020012)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Garrick Maenle, et al.

Serial No.: 10/008,379

Filed: November 5, 2001

For: CYTOLOGICAL AUTOFOCUSING  
IMAGING SYSTEMS AND METHODS

Confirmation No.: 4705

Group Art Unit: 2872

Examiner: Fineman, Lee A.

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## AMENDMENT TRANSMITTAL

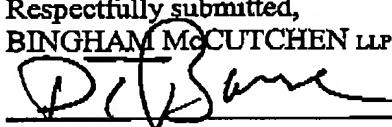
Mail Stop: Amendment  
 Commissioner for Patents  
 Alexandria, VA 22313-1450  
 Sir:

Transmitted herewith is a Response to Office Action mailed 12/13/2005, for the above-identified application. Enclosed are the following:

- Amendment and Response to Office Action (5 pages); and
- Transmittal with certificate of facsimile transmission (1 page).

Dated 12/23/05

By:

Respectfully submitted,  
 BINGHAM McCUTCHEN LLP  
  
 David T. Burse  
 Reg. No. 37,104

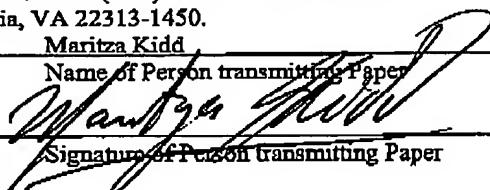
BINGHAM McCUTCHEN LLP  
 Three Embarcadero Center  
 San Francisco, CA 94111  
 Telephone: (650) 849-4908; Facsimile: (650) 849-4800

CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. §1.6 (d))

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 Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12/23/05

Date of facsimile transmission

Maritza Kidd  
 Name of Person transmitting Paper  
  
 Signature of Person transmitting Paper

PA/52175263.1

Docket No. 2024738-7030240000  
CYM-037 (11.020012)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

) Confirmation No.: 4705

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Garrick Maenle, et al.

) Group Art Unit: 2872

DEC 23 2005

Serial No.: 10/008,379

) Examiner: Fineman, Lee A.

Filed: November 5, 2001

)

For: CYTOLOGICAL AUTOFOCUSING  
IMAGING SYSTEMS AND  
METHODS

)

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 20231-1450

Dear Sir:

In response to the Office Action dated December 13, 2005, Applicants hereby elect (without traverse) the invention of Group III, including claims 130-144, and as reflected in the accompanying amendment. A complete listing of the claims begins on page 2. Remarks begin on page 5.